

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA

v.

Sequoyah Elam

CASE NO. CR109-00073-003

ORDER

Defendant Sequoyah Elam has filed a motion for appointment of counsel to aid him in filing a motion to reduce his sentence, pursuant to 18 U.S.C. § 3582.

Defendant references the Fair Sentencing Act of 2010, pub. L. No. 111-220, 124 Stat., 2372 (2010), which adjusted the sentencing exposure for certain defendants who were convicted of crack cocaine offenses. Defendant, however, has no statutory or constitutional right to appointed counsel in this context. See United States v. Webb, 565 F.3d 789, 794 (11th Cir. 2009). "The notion of a statutory or constitutional right to counsel for § 3582(c)(2) motions has been rejected by all of our sister circuits that have addressed the issue, and we agree with this consensus." While the Court may exercise its discretionary authority to appoint counsel, United States v. Berger, 375 F.3d 1223, 1226 (11th Cir. 2004), it declines to do so here. Accordingly, the motion for appointment of counsel (Doc. No. 400) is **DENIED**.

SO ORDERED, this 24th day of January, 2012.


J. Randal Hall
United States District Judge

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
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SO. DIST. OF GA.